

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT E. LEE,

Plaintiff(s),

CASE NUMBER: 08-13058
HONORABLE VICTORIA A. ROBERTS

v.

CITY OF DEARBORN,

Defendant(s).

**ORDER GRANTING PLAINTIFF *IN FORMA*
PAUPERIS STATUS AND DISMISSING CASE PURSUANT
TO 28 U.S.C. §1915(e)(2)**

Plaintiff Robert E. Lee brings this *pro se* action against the City of Dearborn and requests that he be allowed to proceed *in forma pauperis*. 28 U.S.C. §1915(a)(1) allows indigents to receive a waiver of filing fees:

[A]ny court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

Based upon the information provided by Plaintiff in his application to proceed without prepayment of fees, the Court GRANTS his *in forma pauperis* status, but **DISMISSES** Plaintiff's complaint as frivolous and for its failure to state a claim on which relief may be granted, pursuant to 28 U.S.C. §1915(e)(2)(B)(i) and (ii).

The *in forma pauperis* ("IFP") statute was enacted "to ensure that indigent

litigants have meaningful access to the federal courts.” *Wilson v Yaklich*, 148 F.3d 596, 600 (6th Cir. 1998), *cert. den.*, 525 U.S. 1139 (1999)(quoting *Nietze v Williams*, 490 U.S. 319, 324 (1989)). However, to curtail abuse of waivers granted under the statute, Congress also empowered courts to *sua sponte* dismiss IFP complaints that are frivolous or malicious, or that fail to state a claim on which relief may be granted. 28 U.S.C. §1915(e)(B)(i) and (ii). An IFP complaint “is frivolous where it lacks an arguable basis either in law or in fact.” *Nietzke*, 490 U.S. at 325.

Plaintiff here alleges that various unidentified private individuals targeted him and tried to molest him while he frequented businesses located in the City of Dearborn. Plaintiff further alleges that he made phone calls to 911 to report a hit-and-run of his vehicle, as well as suspected break-ins of his vehicle and apartment. Consequently, Plaintiff says he has been subject to ethnic intimidation, harassment and other civil rights violations, presumably under 42 U.S.C.S. §1983. The Court is unable to discern any claims against the named Defendant with a rational or arguable basis in law. Therefore, the Court finds that the allegations in Plaintiff’s complaint are frivolous and fail to state a claim upon which relief may be granted. Accordingly,

IT IS ORDERED that the Court will grant *in forma pauperis* status to Plaintiff.

IT IS FURTHER ORDERED that the within case is **DISMISSED**, pursuant to 28 U.S.C. §1915(e)(2)(B)(i) and (ii).

IT IS FURTHER ORDERED that Plaintiff’s Application for Appointment of Counsel is deemed **MOOT**.

Dated: July 28, 2008

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se plaintiff by electronic means or U.S. Mail on July 28, 2008.

s/Carol A. Pinegar _____
Deputy Clerk